

- (1) has a premeditated design to kill;
- (2) intends to kill or inflict great bodily harm;
- (3) is engaged in an act which is inherently dangerous to another and evinces a wanton disregard of human life; or
- (4) is engaged in the perpetration or attempted perpetration of burglary, sodomy, rape, robbery, or aggravated arson;

is guilty of murder, and shall suffer such punishment as a court-martial may direct, except that if found guilty under clause (1) or (4), he shall suffer death or imprisonment for life as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 72; Pub. L. 102-484, div. A, title X, §1066(b), Oct. 23, 1992, 106 Stat. 2506.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
918	50:712.	May 5, 1950, ch. 169, §1 (Art. 118), 64 Stat. 140.

The words "of this section" are omitted as surplusage.

AMENDMENTS

1992—Par. (3). Pub. L. 102-484 substituted "another" for "others".

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-484 effective Oct. 23, 1992, and applicable with respect to offenses committed on or after that date, see section 1067 of Pub. L. 102-484, set out as a note under section 803 of this title.

CROSS REFERENCES

- Article to be explained, see section 937 of this title.
- Burglary when intending to commit offense punishable under this section, see section 929 of this title.
- Federal offense, see section 1111 of Title 18, Crimes and Criminal Procedure.
- Federal retirement benefits, forfeiture upon conviction of offense described under this section, see section 8312 of Title 5, Government Organization and Employees.
- Killing while engaged in other crime as manslaughter, see section 919 of this title.
- Plea of guilty, prohibition against reception, see section 845 of this title.
- Statute of limitations, see section 843 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 919, 929, 937 of this title.

§ 919. Art. 119. Manslaughter

(a) Any person subject to this chapter who, with an intent to kill or inflict great bodily harm, unlawfully kills a human being in the heat of sudden passion caused by adequate provocation is guilty of voluntary manslaughter and shall be punished as a court-martial may direct.

(b) Any person subject to this chapter who, without an intent to kill or inflict great bodily harm, unlawfully kills a human being—

- (1) by culpable negligence; or
- (2) while perpetrating or attempting to perpetrate an offense, other than those named in clause (4) of section 918 of this title (article 118), directly affecting the person;

is guilty of involuntary manslaughter and shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 73.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
919(a)	50:713(a).	May 5, 1950, ch. 169, §1 (Art. 119), 64 Stat. 140.
919(b)	50:713(b).	

The word "named" is substituted for the word "specified".

CROSS REFERENCES

- Article to be explained, see section 937 of this title.
- Burglary when intending to commit offense punishable under this section, see section 929 of this title.
- Federal offense, see section 1112 of Title 18, Crimes and Criminal Procedure.
- Statute of limitations, see section 843 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 929, 937 of this title.

§ 920. Art. 120. Rape and carnal knowledge

(a) Any person subject to this chapter who commits an act of sexual intercourse, by force and without consent, is guilty of rape and shall be punished by death or such other punishment as a court-martial may direct.

(b) Any person subject to this chapter who, under circumstances not amounting to rape, commits an act of sexual intercourse with a person—

- (1) who is not that person's spouse; and
- (2) who has not attained the age of sixteen years;

is guilty of carnal knowledge and shall be punished as a court-martial may direct.

(c) Penetration, however slight, is sufficient to complete either of these offenses.

(d)(1) In a prosecution under subsection (b), it is an affirmative defense that—

- (A) the person with whom the accused committed the act of sexual intercourse had at the time of the alleged offense attained the age of twelve years; and
- (B) the accused reasonably believed that that person had at the time of the alleged offense attained the age of sixteen years.

(2) The accused has the burden of proving a defense under paragraph (1) by a preponderance of the evidence.

(Aug. 10, 1956, ch. 1041, 70A Stat. 73; Pub. L. 102-484, div. A, title X, §1066(c), Oct. 23, 1992, 106 Stat. 2506; Pub. L. 104-106, div. A, title XI, §1113, Feb. 10, 1996, 110 Stat. 462.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
920(a)	50:714(a).	May 5, 1950, ch. 169, §1 (Art. 120), 64 Stat. 140.
920(b)	50:714(b).	
920(c)	50:714(c).	

In subsection (c), the words "either of" are inserted for clarity.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-106, §1113(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "Any person subject to this chapter who, under circumstances not amounting to rape, com-

mits an act of sexual intercourse with a female not his wife who has not attained the age of sixteen years, is guilty of carnal knowledge and shall be punished as a court-martial may direct."

Subsec. (d). Pub. L. 104-106, §1113(b), added subsec. (d). 1992—Subsec. (a). Pub. L. 102-484 struck out "with a female not his wife" after "intercourse" and "her" after "without".

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-484 effective Oct. 23, 1992, and applicable with respect to offenses committed on or after that date, see section 1067 of Pub. L. 102-484, set out as a note under section 803 of this title.

CROSS REFERENCES

Article to be explained, see section 937 of this title. Burglary when intending to commit offense punishable under this section, see section 929 of this title.

Federal retirement benefits, forfeiture upon conviction of offenses described under this section, see section 8312 of Title 5, Government Organization and Employees.

Plea of guilty, prohibition against reception, see section 845 of this title.

Statute of limitations, see section 843 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 929, 937 of this title.

§ 921. Art. 121. Larceny and wrongful appropriation

(a) Any person subject to this chapter who wrongfully takes, obtains, or withholds, by any means, from the possession of the owner or of any other person any money, personal property, or article of value of any kind—

(1) with intent permanently to deprive or defraud another person of the use and benefit of property or to appropriate it to his own use or the use of any person other than the owner, steals that property and is guilty of larceny; or

(2) with intent temporarily to deprive or defraud another person of the use and benefit of property or to appropriate it to his own use or the use of any person other than the owner, is guilty of wrongful appropriation.

(b) Any person found guilty of larceny or wrongful appropriation shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 73.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 1: 921(a) 50:715(a). May 5, 1950, ch. 169, §1 (Art. 121), 64 Stat. 140.

In subsection (a), the words "whatever" and "true" are omitted as surplusage. The word "it" is substituted for the words "the same" in clauses (1) and (2).

CROSS REFERENCES

Article to be explained, see section 937 of this title. Burglary when intending to commit offense punishable under this section, see section 929 of this title.

Embezzlement and theft, Federal offenses, see section 641 et seq. of Title 18, Crimes and Criminal Procedure. Statute of limitations, see section 843 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 929, 937 of this title.

§ 922. Art. 122. Robbery

Any person subject to this chapter who with intent to steal takes anything of value from the person or in the presence of another, against his will, by means of force or violence or fear of immediate or future injury to his person or property or to the person or property of a relative or member of his family or of anyone in his company at the time of the robbery, is guilty of robbery and shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 73.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 1: 922 50:716. May 5, 1950, ch. 169, §1 (Art. 122), 64 Stat. 140.

CROSS REFERENCES

Article to be explained, see section 937 of this title. Burglary when intending to commit offense punishable under this section, see section 929 of this title.

Robbery and burglary, Federal offenses, see section 2111 et seq. of Title 18, Crimes and Criminal Procedure. Statute of limitations, see section 843 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 929, 937 of this title.

§ 923. Art. 123. Forgery

Any person subject to this chapter who, with intent to defraud—

(1) falsely makes or alters any signature to, or any part of, any writing which would, if genuine, apparently impose a legal liability on another or change his legal right or liability to his prejudice; or

(2) utters, offers, issues, or transfers such a writing, known by him to be so made or altered;

is guilty of forgery and shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 74.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 1: 923 50:717. May 5, 1950, ch. 169, §1 (Art. 123), 64 Stat. 141.

CROSS REFERENCES

Article to be explained, see section 937 of this title. Burglary when intending to commit offenses punishable under this section, see section 929 of this title.

Federal offenses, see section 471 et seq. of Title 18, Crimes and Criminal Procedure. Statute of limitations, see section 843 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 929, 937 of this title.

§ 923a. Art. 123a. Making, drawing, or uttering check, draft, or order without sufficient funds

Any person subject to this chapter who—

(1) for the procurement of any article or thing of value, with intent to defraud; or